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July 15, 2020

VIA ECF

United States District Court

Eastern District of New York

Attn: Hon. Kiyo A. Matsumoto, U.S.D.J.

225 Cadman Plaza East

Courtroom 6C South

Brooklyn, NY 11201-1804

Re: Baldi v. Maggio Data Forms Printing Ltd., et al.

Case No.: 1:19-cv-7111 (KAM) (ST)

MLLG File No.: 13-2018

Dear Judge Matsumoto:

This office represents the Defendants in the above-referenced case. Defendants write jointly pursuant to this Court's Text Only Order dated June 30, 2020 directing the parties to update the Court as to the status of any mediation.

Regrettably, the parties were unable to reach a settlement during the telephonic settlement conference held on Friday, July 10, 2020 before the Hon. Steven L. Tiscione, U.S.M.J. (hereinafter "Magistrate Judge Tiscione").

Accordingly, Defendants intend to move to dismiss¹ the Second Amended Complaint filed on July 3, 2020 pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that the complaint, as further amended, still fails to state a claim upon which relief can be granted. The parties respectfully maintain the same positions set forth in the pre-motion conference letters filed on June 25 and June 26, 2020. Unless the Court wishes to hold another pre-motion conference, the parties respectfully submit one is not necessary and propose the following briefing schedule to be so Ordered by the Court: (i) moving papers due by July 24, 2020; (ii) opposition papers due by August 21, 2020; and (iii) reply papers due by September 4, 2020.

The parties will also continue with discovery as set forth in the Civil Minute Entry entered by Magistrate Judge Tiscione on April 23, 2020. See Docket Entry 32.

The parties thank this Court for its time and attention to this case.

¹ Defendants respectfully submit that they have reviewed the decisions in both Petrosino v. Bell Atlantic, 385 F.3d 210 (2d Cir. 2004) and Nat'l Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002), and that a good faith basis exists for moving forward with Defendants' motion.

Dated: Lake Success, New York
July 15, 2020

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s
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cc: Plaintiff (via ECF).